

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ARNOLD RAY REED

§

v.

§

C.A. NO. C-06-79

PAUL A. MORALES

§

§

§

**MEMORANDUM AND RECOMMENDATION
ON PLAINTIFF'S MOTION TO PROCEED IN FORMA PAUPERIS**

Plaintiff is a state inmate who has filed an action pursuant to 42 U.S.C. § 1983. He has filed an application to proceed *in forma pauperis* in this proceeding. (D.E. 8).

Plaintiff has not included an inmate trust account form with his application. A prisoner who is seeking to proceed *in forma pauperis* must file “a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint....” 28 U.S.C. § 1915(a)(2).

It is respectfully recommended that plaintiff’s application to proceed *in forma pauperis*, (D.E. 8), be denied because he failed to provide a copy of his inmate fund trust account. It is further respectfully recommended that plaintiff be instructed to pay the filing fee within twenty (20) days of the date of entry of any

order adopting this memorandum and recommendation, refile his motion to proceed *in forma pauperis* with an inmate fund trust account, or voluntarily dismiss the action. Finally, it is respectfully recommended that plaintiff be advised that failure to pay the fee within the time period proscribed may result in dismissal of his action for failure to prosecute.

ORDERED this 6th day of March 2006.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

The Clerk will file this Memorandum and Recommendation and transmit a copy to each party or counsel. Within **TEN (10) DAYS** after being served with a copy of the Memorandum and Recommendation, a party may file with the Clerk and serve on the United States Magistrate Judge and all parties, written objections, pursuant to 28 U.S.C. § 636(b)(1)(C); Rule 72(b) of the Federal Rules of Civil Procedure; and Article IV, General Order No. 02-13, United States District Court for the Southern District of Texas.

A party's failure to file written objections to the proposed findings, conclusions, and recommendations in a magistrate judge's report and recommendation within TEN (10) DAYS after being served with a copy shall bar that party, except upon grounds of *plain error*, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc).